

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JON PLISKA,

Plaintiff,

v.

RENT-A-CENTER WEST, INC. (d.b.a.
RENT-A-CENTER and f.k.a.
RENT-A-CENTER, INC.); and
TODD FUNK, an individual,

Defendants.

CV 05-1155-AS

OPINION
AND ORDER

ASHMANSKAS, Magistrate Judge:

Defendant Rent-a-Center West, Inc. ("RAC") has appealed an order of this court, which held that plaintiff's first three claims for relief are arbitrable while the last three claims are not. Currently before the court is the motion of RAC and co-defendant, Todd Funk, to stay all proceedings in this case pending resolution of the appeal filed by RAC. For the reasons that follow, defendants' motion (No. 31) is GRANTED.

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DISCUSSION

The Federal Arbitration Act (FAA) provides that a district court's order denying an order to compel arbitration is immediately appealable. 9 USC § 16(a)(1)(C). A district court's order to stay trial proceedings while such an appeal is pending is committed to the discretion of the trial court. Britton v. Co-op Banking Group, 916 F.2d 1405, 1412 (9th Cir. 1990). The Ninth Circuit has previously noted that "[i]f a litigant must undergo the expense and delay of a trial before being able to appeal, the advantages of arbitration—speed and economy—are lost forever." International Ass'n of Machinists v. Aloha Airlines, 776 F.2d 812, 815 (9th Cir. 1985) (internal quotation marks and citations omitted). That reasoning applies here.

If RAC is required to litigate plaintiff's Fourth, Fifth and Sixth claims in this court, and its appeal is subsequently successful, RAC will have lost the benefit it was intended to have under the Arbitration Agreement. Moreover, if RAC's appeal is successful, litigating plaintiff's Fourth, Fifth and Sixth claims will have been a waste of judicial resources. These interests will be best served by an order staying the trial proceedings during the pendency of RAC's appeal.

CONCLUSION

For these reasons, defendants' motion to stay proceedings (No. 31) is GRANTED.

DATED this 31st day of March, 2006.

/s/Donald C. Ashmanskas
DONALD C. ASHMANSKAS
United States Magistrate Judge